

United States District Court  
for the  
Southern District of New York  
Related Case Statement

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Full Caption of Later Filed Case:

In re Application of BTA Bank for an Order  
to Take Discovery Pursuant to 28 U.S.C. §  
1782

Plaintiff	Case Number
vs.	19-mc-00220
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

In re Application of Jeremy Outen, John  
Misom and David Standish, as Court-  
Appointed Receivers, for Judicial  
Assistance Pursuant to 28 U.S.C. 1782

Plaintiff	Case Number
vs.	13-mc-00001-P1
Defendant	

## Status of Earlier Filed Case:



Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)



Open

(If so, set forth procedural status and summarize any court rulings.)

Application for discovery was granted.

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Both the present application and the previous application were made by parties involved in the same legal proceedings in the United Kingdom. The applicants in the earlier application are court-appointed receivers in that U.K. action while the applicant here is BTA Bank, a Kazakhstani bank that holds judgements against various defendants in that action.

The receivers sought discovery through their previous application in an effort to identify assets that could be recovered in order to enforce BTA Bank's U.K. judgments. Here, BTA intends to use the discovery materials in the same U.K. proceedings, as well as in support of its right to participate in ongoing criminal investigations in Kazakhstan.

In addition to the above-captioned earlier application, the receivers have filed three other applications pursuant to 28 U.S.C. § 1782. These applications were docketed at Case Nos. 13-mc-00002-P1, 11-mc-00066-P1, and 11-mc-00291-P1. Orders on the applications docketed at 13-mc-00001-P1 and 13-mc-00002-P1 were signed by Judge Sullivan, the order in 11-mc-00066-P1 was signed by Judge Baer, and the order in 11-mc-00291-P1 was signed by Judge Daniels.

BTA Bank is involved in one active case in this District with a party common to the U.K. proceedings that partially form the basis of this application: City of Almaty et ano. v. Ablyazov et al., No. 15-cv-5345. That case has a related case to which BTA Bank is a party, City of Almaty et ano. v. Sater et al., No. 19-cv-02645-AJN.

Signature: /s/ Matthew L. Schwartz Date: 3/26/19

Boies Schiller Flexner LLP

Firm: \_\_\_\_\_